

ENTERED

August 10, 2022

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION****PABLO ENRIQUE URIBE,****Petitioner,****VS.****FEDERAL BORDER PATROL CENTER
OF ZAPATA COUNTY, *et al.*,****Respondents.**§
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§**CIVIL ACTION NO. 5:21-CV-00074****ORDER**

Pending before the Court is the Magistrate Judge's Report & Recommendation that the instant action be dismissed for want of prosecution. (Dkt. 30.) For the following reasons, the Report & Recommendation will be ACCEPTED.

Plaintiff Pablo Enrique Uribe brought this 42 U.S.C. § 1983 action alleging physical pain and emotional distress resulting from an improper fingerprinting procedure that purportedly placed him in immigration detention for three days. (Dkt. 1.) The Court granted Plaintiff's motion to proceed *in forma pauperis*. (Dkt. 12.) That Order was returned as undeliverable to Plaintiff, and he was notified that he must provide a forwarding address for notification of service of process, or the action would be dismissed without prejudice for want of prosecution under Federal Rule of Civil Procedure 41(b). (Dkt. 16.) Plaintiff provided an updated address (Dkt. 18), but mail to that new address was subsequently returned as undeliverable. (Dkt. 26.) On March 23, Defendant Federal Border Patrol Center of Zapata County notified the Court that it had twice sent its disclosure to Plaintiff via USPS certified mail and first-class mail to his address of record but had

not received any return receipt. (Dkt. 28.) Defendant had also not received any disclosure from Plaintiff. (*Id.*)¹

Given Plaintiff's failure to properly keep the Clerk of Court advised of his current address, the Magistrate Judge issued a Report & Recommendation (Dkt. 30) recommending that the action be dismissed for want of prosecution. *See* L.R. 83.4 ("A lawyer or pro se litigant is responsible for keeping the clerk advised in writing of the current address"). The Parties have been duly noticed regarding the filing of objections, and the applicable 14-day timeframe for the filing of objections has now lapsed. Noting that no objections have been filed, and having now reviewed the matter as provided by 28 U.S.C. § 636, the Court concludes that the Report and Recommendation (Dkt. 30) should be and is hereby ACCEPTED.

Therefore, this case is DISMISSED WITHOUT PREJUDICE. The Clerk of Court is directed to TERMINATE this case. The Clerk is further directed to mail a copy of this Order by any receipted means to Plaintiff's last address on file.

IT IS SO ORDERED.

SIGNED this August 10, 2022.

A handwritten signature in black ink, appearing to read 'D Saldaña', written over a horizontal line.

Diana Saldaña
United States District Judge

¹ On May 20, 2022, Defendant filed a Motion to Dismiss the complaint for lack of jurisdiction (Dkt. 29) and mailed a copy to Plaintiff's address on file with the Court. (*Id.* at 10.) Plaintiff has filed no response to Defendant's Motion.